

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VAUGHN SCOTT, NIGERIA SCOTT, PRINCE SCOTT,  
ANDREE HARRIS, BRENDA SCOTT, KRAIG UTLEY,  
COREY MARROW, AS A MINOR CHILD, K.M., A  
MINOR CHILD, and JULIAN RENE,

Plaintiffs,

-against-

THE CITY OF MOUNT VERNON, et al.,

Defendants.

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DEPOSITION OF STEVEN SEXTON

Mount Vernon, New York

November 19, 2015

10:39 a.m.

Reported By:  
Cheryll Kerr, RPR, SHR  
Job No. 41838-A

Steven Sexton

November 19, 2015

10:39 a.m.

Deposition of Steven Sexton, held at City  
Hall, One Roosevelt Square, Mount Vernon, New  
York, pursuant to Notice before Cheryll Kerr,  
RPR, SHR, and Notary Public in and for the State  
of New York.

1 A I don't remember the time.

2 Q It was -- can you approximate?

3 (Pause)

4 THE WITNESS: About five o'clock or  
5 so.

6 BY MR. THOMPSON:

7 Q Okay, and where was this private home?

8 A 218 South Two (sic).

9 Q "South Two" meaning --

10 A Second Avenue.

11 Q -- Second Avenue? Okay.

12 What was your reason for entering 328 South  
13 Second?

14 A A criminal investigation of an assault  
15 with a handgun.

16 Q Okay, and what was it that brought you  
17 to --

18 MR. THOMPSON: Withdrawn.

19 BY MR. THOMPSON:

20 Q Were you --

21 Were you told to go to that location by radio,  
22 or something else?

23 A I was notified by my office that a  
24 vehicle possibly involved with the shooting was  
25 located at that address.

1           Q     All right, and how were you informed of  
2     that?

3           A     Via radio transmission.

4           Q     Okay.

5                     (Pause)

6     BY MR. THOMPSON:

7           Q     The radio transmission would have been  
8     recorded, correct?

9           A     Yes.

10                    (Pause)

11     BY MR. THOMPSON:

12           Q     And the --

13                    Who was the officer that informed you that the  
14     vehicle was at that location?

15           A     Officer...Gregorio.

16                    (Pause)

17     BY MR. THOMPSON:

18           Q     What else did Officer Gregorio tell you,  
19     if anything?

20           A     Nothing.

21           Q     Okay.

22           A     Just for the record, when I say that he  
23     was notifying me --

24                    It was a broadcast, so everyone was made aware.  
25     It wasn't directly to me.

1 Q Okay.

2 A It was a radio transmission for all  
3 officers, that all supervisors be advised that this  
4 vehicle involved in this incident is located here.

5 Q Okay.

6 You mentioned a vehicle. Can you describe the  
7 vehicle that was involved?

8 A It was a white van.

9 Q And what was the involvement of this  
10 vehicle?

11 A That suspects from the shooting entered  
12 the vehicle and drove off.

13 Q How was -- how did you obtain that  
14 information?

15 A How did I get the information?

16 Q Yeah.

17 A From dispatch.

18 Q You mentioned a shooting. What were the  
19 circumstances of the shooting?

20 A In the area, there was a "shots fired"  
21 call in the area of Ninth Avenue and Third Street,  
22 the Levister Towers area.

23 (Thereupon, an informal discussion  
24 was held off the record.)

25

1 BY MR. THOMPSON:

2 Q I think you used the phrase "a shots  
3 fired call."

4 What does that mean?

5 A When we get a call from area residents  
6 that there's a report of a gunshot -- multiple  
7 gunshots.

8 Q So essentially, people called in and said  
9 they heard shots;

10 Is that correct?

11 A Uh-huh.

12 THE SHORTHAND REPORTER: Is that a  
13 "yes"?

14 THE WITNESS: Yes, sorry.

15 (Thereupon, an informal discussion  
16 was held off the record.)

17 BY MR. THOMPSON:

18 Q Other than the report that gunshots had  
19 been heard, did you have other information about the  
20 crime?

21 A Outside of these shots fired and the van?

22 Q Were there any other individuals --

23 A I believe -- I'm sorry.

24 I believe there was a clothing description  
25 given of some of -- I remember a clothing

1 description and answering the van.

2 Q Okay.

3 Other than the van, were there any other  
4 individuals witnessed at the location of the  
5 shooting?

6 A No, but there was a crime scene.

7 Q Okay. Explain what you mean when you  
8 said there was a --

9 A I'm sorry. Evidence of the incident, in  
10 fact, so --

11 There was shell casings of the -- to  
12 substantiate that in fact there was shots fired at  
13 that location.

14 Q All right, so how long after you --

15 MR. THOMPSON: Withdrawn.

16 BY MR. THOMPSON:

17 Q How long was it after shots were fired  
18 that you received the call that this vehicle had  
19 been located?

20 A Within 10 or 15 minutes.

21 Q Okay. When you --

22 (Thereupon, an informal discussion  
23 was held off the record.)

24 BY MR. THOMPSON:

25 Q When you received the radio transmission,

1           you went directly to 328 South Second Avenue?

2           A       Yes.

3           Q       When you arrived there --

4           A       I'm sorry. Can you just clarify? When I  
5           heard which call?

6                   When was I notified, or -- was I there when the  
7           broadcast was made, or when the shots were fired?

8           Q       When you were notified that the vehicle  
9           was there.

10          A       Yes, I did respond to the location.

11          Q       When you arrived at that location, were  
12       there other officers already present?

13          A       Yes.

14          Q       Who were those officers?

15          A       Officer Gregorio, Officer Santos.

16          Q       Other than Officers Gregorio and Santos,  
17       were any other officers present?

18                   (Pause)

19                   THE WITNESS: I don't recall.

20       BY MR. THOMPSON:

21           Q       Where were Officers Gregorio and Santos  
22       located when you arrived?

23          A       At the front of the house.

24          Q       At the time you arrived, were any  
25       officers inside the house?



1 A No.

2 (Thereupon, an informal discussion  
3 was held off the record.)

4 (Pause)

5 BY MR. THOMPSON:

6 Q What, if anything, did you do to verify  
7 that the vehicle that you were responding to was the  
8 same vehicle that had been reported at the location  
9 of the shooting?

10 A The distinguishing factor that was made  
11 known was that the windshield was missing, which was  
12 also the same vehicle.

13 Officer Gregorio let me know that the vehicle  
14 was still warm, as if they had just arrived there.

15 Q Did you confirm that yourself?

16 A No.

17 Q At that point what, if anything, did you  
18 do next?

19 A I then knocked on the door.

20 Q Which door did you knock on?

21 A I had to knock on every door -- it was a  
22 multi-family -- to find the registered owner of the  
23 vehicle.

24 Q This is probably as good a time as any.  
25 Can you describe the building for me?

1 A Yes.

2 Q Okay. Which --

3 MR. THOMPSON: Withdrawn.

4 BY MR. THOMPSON:

5 Q Was that driveway on the same property as  
6 328 South Second Avenue?

7 A Yes.

8 Q How many apartments were within 328 South  
9 Second Avenue?

10 A How many were in 328?

11 Q How many apartments?

12 A I want to say either two- or three-family  
13 apartments. Two or three apartments in 328 South  
14 Second Avenue.

15 Q Okay. Which apartment did you go to  
16 first?

17 (Pause)

18 THE WITNESS: I don't remember.

19 BY MR. THOMPSON:

20 Q Okay. Did you --

21 MR. THOMPSON: Withdrawn.

22 BY MR. THOMPSON:

23 Q Did there come a time when you entered  
24 the apartment of the plaintiffs?

25 A Yes.

1 BY MR. THOMPSON:

2 Q All right.

3 After you received the response that you  
4 testified to from the woman who opened the door, did  
5 you have any further conversation with her?

6 A Yeah. We let her know that the -- the  
7 reason for the investigation and the reason that we  
8 were there, and we were looking to find out who  
9 actually else was in the apartment.

10 Q Okay, and are you saying --

11 You said you wanted to look in the apartment  
12 yourself, or something else?

13 A No. We wanted to find out if there was  
14 anyone wounded in the apartment because of the shots  
15 fired call with the evidence of and the vehicle  
16 being there.

17 Q I see.

18 So you were looking for the victim of the  
19 shooting at this point?

20 A And -- and an additional crime scene,  
21 yeah.

22 Q Okay, and what response, if any, did you  
23 receive?

24 A That -- from the woman?

25 Q Yeah.

1 A She was cooperative.

2 Q What does that mean?

3 A That we asked if we could come in, and  
4 she agreed.

5 Q Okay. Did anyone else --

6 MR. THOMPSON: Well, withdrawn.

7 BY MR. THOMPSON:

8 Q Was anyone else present?

9 A Yes.

10 Q Who else was present?

11 A Prince Scott.

12 Q Who was Prince Scott?

13 A I am assuming one of the family members.  
14 The son, or grandson, or relative of the family --

15 Q Okay.

16 A -- who came to the door very hostile.

17 Q Okay. At what point did he come to the  
18 door hostile?

19 A When I was speaking with the older woman.

20 Q What, if anything, did he say?

21 A "Don't let them in."

22 Q Other than saying "Don't let them in,"  
23 did he say anything else?

24 A "Get out of here."

25 Q Other than that, did he say anything

1       else?

2           A       He got out his camera phone to start  
3       recording, and he was telling, I guess, his  
4       grandmother -- you know, "Don't speak to them."

5           Q       Other than what you've mentioned so far,  
6       did he engage in any other speech or conduct at that  
7       point?

8           A       Just very loud, very threatening, trying  
9       to be intimidating.

10          Q       I see. What -- what about his conduct  
11       was threatening?

12          A       Just his aggression, and his yelling, and  
13       his physical actions, as if he was going to throw me  
14       out.

15          Q       Okay. I would like to ask you to be more  
16       specific as to --

17          A       He was getting very physical, as if he  
18       was going to grab me.

19          Q       All right. I need to finish my question  
20       first, but --

21          A       Okay.

22          Q       -- I understand that you're describing to  
23       me what the -- the impression that his conduct had  
24       on you, but I want to know what the conduct itself  
25       was.

1           A       In another -- another sector of town.

2           It's -- our patrol is divided into sectors. I  
3 know that wasn't where he lived.

4           Q       Okay. How was it you knew where he  
5 lived?

6           A       I've had numerous interactions with him.  
7           That whole crew is actually one of the local  
8 gangs who are responsible for a lot of violence in  
9 the community --

10          Q       Okay.

11          A       -- and drug sales.

12          They all know that I am aware of their  
13 operations, how they conduct themselves, and where  
14 they hang out and everything.

15          Q       Okay.

16          So before entering this apartment, you knew  
17 that Prince Scott lived there?

18          A       Did I know prior? No.

19          Q       Okay, but you knew where Corey Marrow  
20 lived prior to entering the apartment?

21          A       I knew he did not live there.

22                   (Pause)

23 BY MR. THOMPSON:

24          Q       Other than Prince Scott, Corey Marrow,  
25 and the person who opened the door, who else was

1 present in the apartment?

2 A Julian Rene, Kraig Utley, Demetrius  
3 Royal.

4 (Pause)

5 THE WITNESS: I don't know the other  
6 guy's name. The --

7 The apartment was actually loaded up  
8 with the actual -- the gang, that crew.

9 BY MR. THOMPSON:

10 Q You mentioned one female so far. Were  
11 there any other females in the apartment?

12 A Yes.

13 Q Do you know their names?

14 A There may have been Scott's mother.  
15 There was another woman there.

16 Q When you say "Scott's mother," was that  
17 Prince Scott's mother?

18 A Prince, yes, or a relative or aunt or  
19 something. There was another female there.

20 Q Were there any juveniles present?

21 A I think they were all juveniles. The --  
22 when you say "juvenile," you mean 16?

23 Q I mean under 18.

24 A Under 18? I don't know their dates of  
25 birth to confirm if they are juveniles or not.

1           Q     Now, you mentioned that -- actually, let  
2 me backtrack.

3           You mentioned that several people in the  
4 apartment were members --

5           A     The Gunners.

6           Q     Sorry?

7           A     The Gunners is the name of the gang.

8           Q     Can you identify exactly which of the  
9 individuals you listed were members?

10          A     All the ones I listed. Corey Marrow,  
11 Prince Scott, Demetrius Royal, and Kraig Utley.

12          Q     How do you know that they are members of  
13 that gang?

14          A     From my intel, from the intel of  
15 Westchester County Police, from my constant  
16 interactions with them, from me doing my job. I  
17 mean...

18          Q     Okay. What -- when you say a "gang,"  
19 what do you mean by that?

20          A     A group of people working together for a  
21 negative impact in society.

22          Q     Okay, so not necessarily criminal? Just  
23 negative?

24          A     It's -- it's -- it covers -- I would say  
25 it covers criminal and noncriminal.



1 Q Okay.

2 Had any of the individuals present ever been  
3 convicted of a shooting offense?

4 A Convicted of a shooting? I do not know  
5 that.

6 Q Okay. Any of them ever been arrested for  
7 a shooting offense?

8 A They have been arrested. I do not know  
9 what the charges were.

10 Q Okay.

11 A They have been involved in numerous -- at  
12 various times, shooting incidents.

13 Q When you say "involved," what was the  
14 nature of that involvement?

15 A Prince Scott was involved in one over  
16 last summer on Adams Street and Fulton Avenue.

17 Q When you say "last summer," what are you  
18 referring to?

19 A This year, 2015.

20 No, I'm sorry. This is 2015. The year of the  
21 incident.

22 Q So the summer of 2013?

23 A Yes.

24 Q Okay. What was his involvement?

25 (Pause)

1 Q Other than what you've just mentioned,  
2 were any of the individuals in the apartment  
3 involved in any other shootings?

4 (Pause)

5 THE WITNESS: I don't -- I don't have  
6 the knowledge. I would have to look it  
7 up.

8 MR. THOMPSON: Okay.

9 (Pause)

10 BY MR. THOMPSON:

11 Q So you testified that you were --  
12 The woman who opened the door gave you  
13 permission to enter the apartment?

14 A Yes. The older woman, yeah.

15 Q And what did you do, if anything, at that  
16 point?

17 A We actually just walked in the apartment,  
18 made sure that there was no injured parties there,  
19 and then we stayed there.

20 Q Okay. Were there any injured parties  
21 there?

22 A Yes.

23 Q Who was the injured party?

24 A Julian Rene.

25 Q What was the nature of his injury?

1           A       He had a graze of a bullet. A round  
2 grazed him.

3           Q       Okay. How did you determine that a round  
4 grazed him?

5           A       He said.

6           Q       Did you see the wound?

7           A       No.

8                   (Pause)

9                   THE WITNESS: He actually admitted to  
10 being in the area of the shooting.

11 BY MR. THOMPSON:

12           Q       What exactly did he say to you?

13           A       That he was in -- by Levister Towers when  
14 someone opened fire with a firearm.

15           Q       Other than that, did he tell you anything  
16 else?

17           A       That he didn't want to speak anymore.  
18 He didn't want anything done. He didn't want  
19 to cooperate, as far as any statements.

20           Q       At that point, what did you do?

21           A       With the parties involved, from my  
22 knowledge, we then wanted to stay at the apartment  
23 and get approval from the District Attorney for a  
24 search warrant.

25           Q       Okay. What was it that you were

1           searching for?

2           A       Any evidence from the -- from the scene.

3           Q       What kind of evidence?

4           A       Maybe a firearm.

5                   (Pause)

6       BY MR. THOMPSON:

7           Q       What was your basis for thinking that the  
8       firearm would be present in the apartment?

9           A       Because the group of individuals I was  
10      dealing with are known for weapons possession --

11          Q       Okay.

12          A       -- or violent acts.

13          Q       Other than that, did you have any other  
14      reason to think there was a gun there?

15                   (Pause)

16                   THE WITNESS:  No.

17      BY MR. THOMPSON:

18          Q       What did you do to --

19                   MR. THOMPSON:  Withdrawn.

20      BY MR. THOMPSON:

21          Q       Was there something that you needed to do  
22      to initiate the process of obtaining the search  
23      warrant that you mentioned?

24          A       Is there...

25          Q       Was there something that you had to do